AN
Hiſtorical ACCOUNT
OF THE
Seſſions of ASSEMBLY,
FOR THE
ISLAND of *JAMAICA:*

Which began on *Tueſday* the 23d of *Sept.* 1755,
Being the Second Seſſions of that ASSEMBLY.

Containing a VINDICATION of his Excellency
CHARLES KNOWLES, Eſq;
Then GOVERNOR of that ISLAND;

Againſt ſeveral groundleſs ACCUSATIONS that have been brought againſt him, particularly from thoſe contain'd in a PETITION, which has been preſented to his MAJESTY, by ſeveral Perſons who called themſelves MEMBERS OF THAT ASSEMBLY, *the Matter of which Petition is now depending.*

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BRITISH MUSEUM

AN HISTORICAL ACCOUNT, &c.

AS the violent Proceedings that happened during this Seſſion aroſe from a Faction to gain a Majority in the Houſe, and from the Meaſures that were taken to diſappoint them, it is neceſſary to relate who were the Members of this Faction, on what their Oppoſition was founded, and what was their principal View.

It has heretofore been uſual for the Governors of *Jamaica* to reſide at the Town of *St. Jago de la Vega*, commonly called *Spaniſh-town*, and to hold the General Aſſembly there; but his Excellency *Charles Knowles*, Eſq; the late Governor, finding that in the Opinion of all the Traders, and the greateſt Part of the Community, it would be of more general Advantage to remove his Reſidence with the Courts and Records from *Spaniſh-town* to *Kingſton*, which by his Office he had Power to do, he did in the Month of *April* 1754 fix his Reſidence at *Kingſton*, and in the Month of *September* following convened the Aſſembly to meet there; in conſequence of which Convention the preſent Aſſembly there held its firſt

Seſſion, which commenced the 8th of *October* 1754.

By this Meaſure, however agreeable to the Community in general, ſeveral great Planters were offended; they knew that as ſoon as *Kingſton* became the Metropolis of the Iſland, their Power, by which they had been long uſed to govern their Governors, was at an End.

Theſe Men therefore, many of whom were Members of the Houſe, formed an Oppoſition, and laboured, by every Art they could deviſe and practiſe, to obtain a Majority in the Houſe; that by diſtreſſing the Governor in all his Meaſures, and ſuſpending the whole public Buſineſs of the Iſland, they might compel him to remove his Reſidence and the Courts to *Spaniſh-town* again.

The Aſſembly of *Jamaica* conſiſts of Forty-one Members, of which Twenty-one are a Quorum; and in the firſt Seſſion there was a Majority of FIVE for the Government, notwithſtanding ſome Proceedings ſo illegal, that one *Delap*, the then Provoſt Marſhal, was, after a Trial by his Country, fined and impriſoned for acting as the Inſtrument of the Oppoſition.

In the Receſs of the Houſe between the firſt and ſecond Seſſion, two Members who were in the Governor's Intereſt died, *viz.* Mr. *Blackgrove*, one of the Repreſentatives for *Hanover* Pariſh, and Mr. *Macfarlane*, one of the Repre-

Repreſentatives of *St. Elizabeth*'s Pariſh; and one of the Members in the Oppoſition, Dr. *Fuller* a Repreſentative for *St. Catherine*'s Pariſh, had left the Iſland; ſo that at the Opening of the ſecond Seſſion on the 23d of *September* 1755, the Majority for the Governor was but Four, there being Seventeen Members in the Oppoſition, and Twenty-one in the Intereſt of the Governor.

The Seſſion was opened by a Speech from the Governor ſuitable to the general Situation of Public Affairs, and expreſſed in ſuch Terms as were moſt likely to prevent any Ill-will, or Animoſity of the Members towards him or each other; an Addreſs was prepared and preſented without any Debate, and Writs were iſſued to elect new Members for the Pariſh of *St. Catherine*'s, in the room of Dr. *Fuller*, who was gone to *England*, and for the Pariſhes of *St. Elizabeth* and *Hanover*, in the room of Mr. *Blackgrove* and Mr. *Macfarlane*, who were dead.

Upon the iſſuing of theſe Writs, many of the Members being impatient to attend the Elections in thoſe Pariſhes, deſired leave of Abſence; the Houſe therefore ſent a Meſſage to the Governor, requeſting that they might adjourn for a Fortnight, which he readily granted.

In this Interval, Mr. *Thomas Fearon* was choſen for *St. Catherine*'s, in the room of Dr. *Fuller*, and he being alſo in the Oppo-

ſition, the Number againſt the Government was again Eighteen, as in the firſt Seſſions.

John Clarke, Eſq; was alſo choſen for *Hanover*, in the room of Mr. *Blackgrove*; and this Gentleman being in the Governor's Intereſt, the Number of his Party became Twenty-two; ſo that he had thus far a Majority of Four.

But the Election of a Member for *St. Elizabeth's*, in the room of Mr. *Macfarlane*, was attended with very extraordinary Circumſtances, which increaſed the Power of the Oppoſition, and proportionally weakened the other Party.

Among other Members of the Aſſembly in the Governor's Intereſt, were Mr. *Cooke* and Mr. *Zachariah Bailey*; theſe two Perſons, who though on the ſame Side in the Houſe, were yet at mortal Enmity againſt each other, ſet up two different Perſons as Candidates for *St. Elizabeth's*; Mr. *Cooke* ſet up Mr. *Sergeant*, the Father of a Lady whom he had married, and Mr. *Bailey* ſet up Mr. *Elworthy* his Partner, who was then in *England*.

The Poll was carried on with the utmoſt Zeal and Bitterneſs on both Sides, and the Numbers polled were ſo nearly equal, that each Party was in doubt on which Side the Scale would turn. Their Solicitude and Anxiety naturally increaſed as the Poll went on, and the remaining Number which was to determine the Election became leſs.

Mr.

Mr. *Bailey* was indeed more intereſted in the Event than Mr. *Cooke*, for he had already a younger Brother in the Houſe, over whom, as well as over his new Candidate, he had an abſolute Influence, ſo that his Succeſs in this Election would give him the turning Weight in the Aſſembly. This Advantage then he determined at any rate to ſecure, and therefore made an Offer to ſeveral leading Gentlemen who were in the Oppoſition, that if they would aſſiſt him to carry this Election with their Intereſt, *himſelf*, his *Brother*, and his *Partner*, ſhould enter into their Party, and concur in the Support of all their Meaſures.

This Offer inſpired the Faction with new Life, and at once opened a Proſpect of Succeſs beyond their utmoſt Hopes; and therefore, tho' they had no liking to the Man who made it, they accepted it immediately, their Intereſt was excited in his Behalf, and his Partner Mr. *Elworthy* having a Majority of Votes, was declared duly elected.

As before this Event, while the Election for *St. Elizabeth*'s was in Suſpence, the Number of Members in the Governor's Intereſt was Twenty-two, and the Number of thoſe in the Oppoſition was Eighteen, giving a Majority of Four; ſo upon the Defection of *Bailey* and his Brother, the Number in the Governor's Intereſt was, by the Loſs of Two, reduced to Twenty, and the Number in the Oppoſition by the Addition of Two, was increaſed to

Twenty; thus the two Parties were equal, for though the Governor's Party had loſt one by the Death of his Friend *Macfarlane*, yet the Oppoſition had not poſitively gained one by the Election of *Elworthy* in his ſtead, becauſe *Elworthy* was in *England*; but the Number of ſitting Members being now juſt Forty, the Speaker had a caſting Vote, and the Speaker being in the Governor's Intereſt, he had ſtill the Turn of the Scale, ſuppoſing the whole Aſſembly to be preſent.

On *Tueſday* the 7th of *October* the Houſe met by Adjournment, but the Weather being very bad, the rainy Séaſon having ſet in, and the Members who had attended the Elections not being returned, the Speaker obtained the Governor's leave to adjourn the Houſe for a Week longer.

On *Tueſday October* the 14th, the Houſe met again according to Adjournment, when ſeveral Members being ſtill abſent, the Clerk was ordered to write to them to attend on the next *Monday*, being the 20th of *October*.

In the mean time the Oppoſition being now equal in Number to the Friends of the Government, made no doubt but that they ſhould obtain a Majority by diſqualifying ſome of the Members on the other Side; and with this View ſome very extraordinary Steps were taken.

Two Members fixed upon to be diſqualified were Mr. *Cooke* and Mr. *Mackay*. To furniſh a Pre-

a Pretence to diſqualify Mr *Cooke*, his Opponent Mr. *Bailey* diligently ſearched all the Offices to ſee whether any Mortgages, Writs of Execution, and *Venditione*, were due and ſtanding out againſt him: And Mr. *Whitehorne*, another of the Faction, having obtained Intelligence that a Letter written by Mr. *Mackay*, diſcloſing ſome of his private Affairs, was in Poſſeſſion of the Deputy Marſhal, procured the Deputy Marſhal's Pocket to be picked of the ſaid Letter, that it might be made uſe of againſt him.

Being thus far prepared for the approaching Campaign, their Joy for once got the better of their Cunning, and they could not forbear to triumph in the Anticipation of Victory.

On the 20th of *October*, the Day on which the Members of the Aſſembly had been ſummoned to meet for the Diſpatch of Buſineſs, Mr. *Price*, a Member of the Aſſembly, who was at the Head of the Oppoſition, attended by many Members of his Party, and a great Concourſe of the *Spaniſh-town* People, made his Public Entry into *Kingſton*, having with them the Chaplain, Clerk, and Meſſenger of the former Aſſembly, whom they declared they would reinſtate, and threatened that they would *purge the Houſe of ſeveral of its Members*, regulate all the Courts of Juſtice and Public Offices upon their own Plan, and carry back the Court and Records to *Spaniſh-town* again.

About

About One o'Clock on the ſame Day both Parties being met in Aſſembly, every Member being preſent, except Mr. *Thomas Hope Elliſſon* who was in the Oppoſition, and Mr. *Munroe* who was a Friend to the Government; ſo that there were juſt Nineteen on each Side, and the Speaker had the caſting Vote.

At this Time the whole Aſſembly conſiſted of the following Members.

Members in the Government Intereſt.	Members in the Oppoſition.
KINGSTON.	
Thomas French.	*Nathaniel Bailey.*
Thomas Statton.	
St. DOROTHY's.	
	James Prevoſt.
	George Bonner.
St. JOHN's.	
	Thomas Beach.
	William Gale.
St. ANNE's.	
Hugh Mackay.	*Samuel Whitehorne.*
St. THOMAS's in the Eaſt.	
George Paplay.	
Auguſtus Vallete.	
PORTLAND.	
Edward Manning (Speaker)	
Thomas Hibber.	
VERE.	
	Edward Morant.
	William Needham.

St.

St. THOMAS in the Vale.

Charles Price, ſen.
Charles Price, jun.

St. DAVID's.

Daniel Macqueen.
John Coſby.

St. ELIZABETH,

Francis Cooke. *William Elworthy* (abſent beyond the Seas.

CLARENDON.

Henry Dawkins.
Arthur Mackenzie.

St. ANDREW.

Alexander Grant. *Thomas Hope Elliſſon.*

PORT-ROYAL.

Matthew Wallen. *Roger Hope Elliſſon.*
Clayton Slaughter.

St. JAMES's.

James Laurence.
Colonel *Spragge.*

St. GEORGE's.

James Watſon.
Fortunatus Dwaris.

HANOVER.

John Campbell.
John Clarke.

WESTMORELAND.

Norwood Wyſſer.
William Lewis.

St. MARY's.

Daniel Munroe. *Zachary Bailey.*

St.

St. CATHERINE's.

Andrew Arcedeckne.
William Wynter.
Thomas Fearon.

Twenty-one; but *Elworthy* being in *England*, the Number on this Side is juſt Twenty, equal to the Number on the other.

N. B. Mr. *Sergeant* being ſworn in on the 23d of *October*, Three Days after the firſt Meeting ſubſequent to the Election, inſtead of Mr. *Elworthy*, who was then voted incapable of being elected, the Friends of the Government had Twenty-one ſitting Members, and the Oppoſition but Twenty.

As ſoon as the Returns of the Writs of Election were ſent down by the Governor, and Mr. *Fearon* had been ſworn in for *St. Catherine's* in the room of Dr. *Fuller*, and Mr. *Clarke* inſtead of Mr. *Blackgrove* for *Hanover*, Mr. *Zachariah Bailey*, in Conſequence of the Plan of Operations which had been before laid down, and for the Execution of which ſuch extraordinary Preparations had been made, ſtood up and alledged, that Mr. *Cooke* was not duly qualified to ſit in that Houſe, urging as a Reaſon, that ſeveral Mortgages, Executions, and Writs of *Venditione*, were due and

ſtanding out againſt him for conſiderable Sums of Money, for the Truth of which he appealed to the Records which he had ſearched.

As this poſitive Aſſertion could not be immediately proved or contradicted, it was reſolved, that the Houſe ſhould enter upon the Enquiry on *Saturday* then next, being the 25th of *October*; Mr. *Bailey* then moved, that he, Mr. *Cooke*, ſhould, during this Interval of ſix Days, be ſuſpended from acting as a Member of that Houſe; this Motion produced ſome Debate, but the Queſtion being put, it was carried in the Affirmative by one Vote, and Mr. *Cooke* was ſuſpended accordingly.

Having thus happily ſucceeded in the firſt Stroke, Mr. *Whiteborne* laid before the Houſe the Letter diſcloſeing ſome private Affairs of Mr. *Mackay*, which had been picked out of the Deputy Marſhal's Pocket; this Letter being read, the Aſſembly reſolved that it was ſcandalous, and below the Dignity of that Houſe, and that the ſaid Mr. *Hugh Mackay* ſhould be ſuſpended from acting as a Member of that Houſe till he had juſtified himſelf concerning the Contents of that Letter; but no Time is limited in the Minutes for the hearing his Juſtification; ſo that the Suſpenſion of Mr. *Mackay* was *ſine die*, yet there was no Debate upon the Queſtion, becauſe the Oppoſition of a Minority was known to be ineffectual.

It was however very eaſy to have proved that both theſe Meaſures, with reſpect to Mr. *Cooke*

and Mr. *Mackay*, were extrajudicial, and mere arbitrary Acts of Power.

As to Mr. *Cooke*, he had ſat unmoleſted in a former Seſſion of this very Aſſembly; and it is a ſtanding Rule of the Houſe of Commons in *England*, by which the Aſſembly in *Jamaica* has been always governed, that if a Return is not queſtioned within Fifteen Days after it is made, the Member returned ſhall not, upon Pretence of any Diſqualification, Impeachment for Crimes excepted, be removed, until a new Parliament. This Attack upon Mr. *Cooke* therefore was irregular, unjuſtifiable, and illegal; it was alſo totally without Foundation, for Mr. *Cooke* had, but a very few Months before it was made, married a Lady with a Fortune of Seven Thouſand Pounds, as his Accuſers themſelves well knew.

But the Suſpenſion of Mr. *Cooke* during Six Days till the farther Examination of the Charge againſt him, as it was equally unprecedented, it was ſtill more injurious and tyrannical. Every Man, by a Maxim in our Law, is to be preſumed innocent till he is proved to be guilty. A Man under the Charge of Felony is not reſtrained, before Conviction, from the Performance of any legal Act in any Function or Capacity; and it was never known that any Member of the Houſe of Commons was reſtrained one Moment from ſitting and giving his Vote, of whatever he might be accuſed, except the Crime was ſo great that it was thought pro-

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per to impriſon him, and even in that Caſe, he is impriſoned, not that he may be deprived of his Vote, but that his Perſon may be ſecured, and the Loſs of his Seat and Vote is not formally intended, but only reſults as the Conſequence of another judicial and neceſſary Act.

As to Mr. *Mackay*, whether the Letter which he wrote was juſtifiable or not, it was certainly not a proper Subject for Parliamentary Enquiry. It was a private Letter, relating to his own private Affairs; and if it had legally come into the Hands of the Accuſer, the producing it publickly in the Houſe of Aſſembly was altogether unwarrantable. Can it be ſuppoſed that the Houſe of Commons of *Great Britain* would intercept private Letters of Buſineſs, written by Merchants who were Members of that Houſe, that they would appoint Days on which they ſhould be publickly read, and an Enquiry made whether the Writer of them did not appear, by the Stile and Contents of them, to be unworthy of a Seat among them, and in the mean time arbitrarily ſuſpend the Member, whoſe Letter had been thus intercepted, from ſitting and voting in an Aſſembly to which his Conſtituents had appointed him as their proper Repreſentative, and the Guardian of their Intereſt? That ſuch ever was the Behaviour of the *Britiſh* Houſe of Commons, is too notoriouſly falſe to be aſſerted; that ſuch ever will be the Conduct, is too evidently abſurd to be ſuppoſed.

ſuppoſed. Such Conduct therefore in the petty Aſſembly of *Jamaica* ought ſurely to cover the Actors with Shame, as it cannot fail of reflecting upon them indelible Diſgrace.

It follows too, that theſe Orders of Suſpenſion, being arbitrary and illegal, cannot be binding; for every illegal Act is neceſſarily null in itſelf. To ſuppoſe the contrary, would be to ſuppoſe two oppoſite Obligations to ſubſiſt at the ſame time, or two contrary Propoſitions to be both true; as if theſe Orders of Suſpenſion were binding, it would be true, both that a Man ſhould and ſhould not be removed from his Place in Parliament, as unqualified, upon a Complaint exhibited more than Fifteen Days after the Return of his Writ of Election.

The Oppoſition having thus illegally ſecured a Majority, proceeded againſt many other Friends of the Government, and in particular ſent to the Chief Juſtice for his Commiſſion, demanding to know by what Authority he acted. And in order to diſtreſs the Governor in the moſt effectual Manner, they framed the Money Bills in ſuch a manner, as made it impoſſible for him to give them his Aſſent without violating his Majeſty's Inſtructions.

Of theſe violent Proceedings, which were carried on the firſt Three Days of the Seſſion, *viz. Monday* the 20th, *Tueſday* the 21ſt, and *Wedneſday* the 22d of *October*, the Governor had Notice particularly of the Manner in which

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the Money-Bills had been prepared, and finding that the Faction were predominant and had taken every poſſible Step that could diſtreſs his Adminiſtration, and over-turn all Order in the State, he ſummoned all the Members of the Council that were in Town, and the Speaker of the Aſſembly, on the *Wedneſday* Night, and conſulted with them what Meaſures he ſhould take. Experience had taught them that temporizing by Meſſage would produce no Effects, but more bitter Animoſity and longer Delay; for a ſeries of Meſſages had at a former Seſſions produced nineteen Reſolutions, and at another eight Reſolutions, each of which had taken nine or ten Days in preparing; and at this Time diſpatch was indiſpenſably neceſſary as the old Money-Bills expired in a few Days. Upon mature Conſideration therefore of all Circumſtances, the Governor was adviſed to prorogue them for an Hour or two before he ſhould be reduced to the Neceſſity of paſſing the Bills contrary to his Inſtructions, or of diſſolving the Aſſembly. The Governor having well weighed this Advice, reſolved to take it.

On the next Morning, *Thurſday, October* the 23d, the Aſſembly met, and the Majority was ſtill for the Oppoſition, only two of their Members being abſent, *viz. Thomas Hope Elliſon*, and *Norwood Witter*, Eſqrs. and three of the Friends of the Government, *viz*, Mr. *Cooke*, and Mr. *Mackay* who had been ſuſpended, and Mr. *Munroe* who was not yet come to Town.

The Governor therefore in purſuance of the Advice of ſuch of the Council as were in Town, and of the Speaker, ſent for them to his Houſe, and prorogued them for one Hour ſoon after they met.

After the expiration of the Hour, the Governor again ſent for them, and made them the following Speech;

Mr. Speaker, and Gentlemen of the Aſſembly.

"The Time for the expiring of your annual Bills being ſo near at hand, I muſt earneſtly recommend to you to frame new ones with the utmoſt Diſpatch, and in ſuch manner as will be conformable to his Majeſty's Inſtructions, otherwiſe I cannot poſſibly give them my Aſſent. Any Delay therein at this critical Juncture of Affairs, when a War is hourly expected, may prove of the moſt fatal Conſequence to the Security and Welfare of this Iſland."

When they returned again to the Houſe, the Speaker, as is cuſtomary, reported the Attendance on the Governor, and read his Speech, for which an Addreſs of Thanks was unanimouſly voted. The Rules of the laſt Seſſion of Aſſembly being alſo read, were ordered to be the ſtanding Rules of the Houſe; and a Motion was made that the following Rule ſhould alſo be a ſtanding Order of the Houſe.

"That no Perſon, that may be elected during his Abſence from this Iſland, ſhall be

"intitled

" intitled to ſit as a Member of this Houſe, un-
" leſs he be in the Iſland to take his Seat at
" the Opening of the Seſſions next following
" his Election."

As between the Prorogation and the Return of the Members to the Houſe, Mr. *Munroe*, the abſent Member in the Intereſt of the Government, arrived and took his Seat, the Number of Members on each ſide became equal, *Thomas Hope Elliſon*, and *Norwood Witter*, were abſent on one ſide, and *Cooke* and *Mackay*, the ſuſpended Members, on the other; ſo that on Mr. *Munroe's* Arrival, whoſe Abſence had given a Majority to the Oppoſition, the Number on each Side was Eighteen, and the caſting Vote then lying in the Speaker, the Queſtion on this Motion paſſed in the Affirmative.

As ſoon as the Members in the Oppoſition perceived the caſting Vote to lie in the Speaker, they all cried out, Adjourn! adjourn! but reflecting, that on the Queſtion it would be carried againſt an Adjournment, many of them ran out of the Houſe without waiting for its being put, with a deſign to ſtop all parliamentary Proceedings, by leaving an inſufficient Number to do Buſineſs; ſome of them crying out " Let us go, for they cannot make a Houſe " without us." This Deſign was immediately diſcovered by the Friends of the Government, and it being of the utmoſt Importance to prevent its being put in Execution, they ſtopped ſeveral of thoſe that were running out, and ordered

the Doors of the Houſe to be ſhut. As this could not be done without ſome Struggle and Diſorder, and ſeveral Members had haſtily run out into the Street, a Mob was almoſt inſtantly gathered, and a Report ſpread that the Members of the Aſſembly were fighting and killing one another: A few Minutes afterwards fourteen or fifteen of the Members that had left the Aſſembly, with Mr. *Price* at their Head, came to the Governor's, and, forcibly paſſing the Centinels, ruſhed into the Houſe. The Governor was then at Dinner with his Lady and ſeveral of the Council; his Lady, who was then big with Child, and within a few Days of her Time, was terrified into a Diſorder from which ſhe is not yet recovered; and the Governor between his Aſtoniſhment at ſo rude and tumultuous an Intruſion, and his Concern at the Diſtreſs of his Lady, remained a ſhort Time ſilent, but preſently afterwards went up to them and aſked what was the matter; to this ſeveral of them anſwered together, one ſaid that ſeveral Swords were drawn in the Houſe, and that he imagined there might be Blood-ſhed; another ſaid, that he ſaw ſeveral Perſons upon the Ground, and others that they had ſeen no Weapons but Sticks.

The Governor from this confuſed Account could determine nothing with certainty, but that the Perſons who made it were in a Panic, from which it was neceſſary they ſhould a little recover before they could make themſelves perfectly

perfectly underſtood. He therefore waited a little, and at length Mr. *Price* told him, that after the Members had returned to the Houſe, and read his Speech, and voted an Addreſs, ſeveral of the Members differed in Opinion whether thy ſhould adjourn for that Day or proceed to Buſineſs; that upon this Difference an Uproar aroſe, ſome attempting to run out of the Houſe, and others attempting to keep them in and to ſhut the Doors; that he imagined this Conteſt might occaſion ſome Blows, but did not apprehend there was any Blood-ſhed. The Governor, as ſoon as he had heard this Account, called to the Guard, and ordered them to ſtand to their Arms, then went immediately to the Chief Juſtice's, who was ſick in Bed, and having told him what had happened, deſired he would ſend ſome of the Civil Magiſtrates, with ſome Conſtables of the Town, to keep the Peace, telling him at the ſame time, that if the Civil Power ſhould prove inſufficient, the Guard was ready to aſſiſt.

The Civil Magiſtrates were accordingly ſent, and Word was ſoon after brought to the Governor that the Houſe was quiet, and had proceeded to Buſineſs, the Doors being ſhut. When he returned to his Houſe Mr. *Price* and his Company were gone; he therefore ſent them Word that all Tumult was at an end; that the Houſe was proceeding upon Buſineſs; and, *that if they pleaſed they might return, and he would afford them all the Protection in his Power.*

Thus far it appears that the Governor was perfectly Neutral with reſpect to the Tranſactions of the Aſſembly, except in proroguing it for an Hour, taking proper Meaſures to reſtore Peace when it had been broken, and inviting the Members that had left the Houſe to return, with a promiſe that their Perſons ſhould be ſafe under his Protection.

The Aſſembly in the mean Time having ſecured a ſufficient Number of Members to make a Houſe, and the Tumult having wholly ſubſided, proceeded to make ſeveral Orders and Reſolutions; of which the following Tranſcript, from their Minutes, is the beſt Account that can be given.

" Several Members having withdrawn themſelves, it was Ordered, that the Doors of the " Houſe be ſhut in order to keep in the Members, as many more were attempting to go " out.——Ordered likewiſe, that the Doors " be opened to any Members deſiring to come " in."

" Ordered, That the Liſt of Members be " called, which being accordingly done, it appeared that the following Members had " withdrawn themſelves from the Service of " the Houſe without leave thereof, *viz. James* " *Prevoſt*, *George Bonner*, *Roger Hope Elliſon*, " *Charles Price* the Elder, *Charles Price* the " Younger, *William Lewis*, *Edward Morant*, " *William Needham*, *Thomas Beach*, *William* " *Gale*,

" *Gale*, *Samuel Whitehorn*, *Henry Dawkins*,
" *Arthur M^c Kenzie*, *Thomas Fearon*, and
" *William Wynter*, Eſqs;"

" Reſolved, That for the ſame they be taken
" into the Cuſtody of the Meſſenger of this
" Houſe; and that the Speaker ſign a Warrant,
" or Warrants, for that purpoſe."

" A Petition of *Peter Serjeant*, Eſq; was
" preſented to the Houſe and read, thereby
" ſetting forth that he was a Candidate at the
" Election of a Repreſentative to ſerve in this
" Houſe, for the Pariſh of Saint *Elizabeth*,
" held at *Lacovia*, on the 2d Day of this
" preſent Month of *October*, when he at the
" cloſe of the Poll had 69 Voices."

" That *William Elworthy* Eſq; was alſo ſet
" up as a Candidate at the ſaid Election, and
" on the cloſe of the Poll had 74 Voices,
" ſeveral of which were *Mulattoes*, many
" had no Votes at all, and many undue Prac-
" tices were made uſe of to obtain the others."

" That the ſaid *William Elworthy* was abſent
" off this Iſland at the Time of the ſaid Elec-
" tion, and was ſet up without his Privity,
" Knowlege, or Conſent; and in all proba-
" bility will never return to this Iſland, as
" the Petitioner is credibly informed."

" That as the ſaid *William Elworthy* is ſtill
" abſent from this Iſland, and incapable of
" taking his Seat in this Houſe by Reaſon
" of ſuch his Abſence, the Petitioner appre-
" hends that the ſaid *William Elworthy* was

" unduly elected, and that the Petitioner " ought to have been Returned as duly " elected."

" And prayed the Houſe would take the " Premiſes into Conſideration."

" 1. Reſolved, That it appears to this Houſe " that *William Elworthy*, Eſq; was ſet up as " a Candidate for a Repreſentative to ſerve in " this Aſſembly for the Pariſh of Saint *Eli-* " *zabeth*, whilſt abſent from this Iſland, and " without his Conſent, Privity, or Knowledge; " and that he is ſtill abſent from this Iſland, " and incapable by ſuch his Abſence, of " taking his Seat in this Houſe, as ſet forth " in the Petition of *Peter Serjeant*, Eſq;

" 2. A Motion was made that the Houſe " would come to the following Reſolutions, " *viz.* That it is contrary to the Public Good " and Welfare of this Iſland to elect Mem- " bers to ſerve in the Aſſembly, who are ab- " ſent from this Iſland at the Time of Election, " and not in the Country to take their Seat at " the meeting of the Houſe next after ſuch " their Election."

" A Debate thereon aroſe, and the Queſtion " being put it was carried in the Affirmative, " and Reſolved accordingly."

" 3. A Motion was made that the Houſe " would come to the following Reſolutions, " *viz.* That *William Elworthy*, Eſq; being " Returned, to ſerve as a Member of this " Aſſembly, as one of the Repreſentatives for

" the Pariſh of Saint *Elizabeth*, during his " Abſence from this Iſland, and without his " Knowledge or Conſent, on account of ſuch " his Abſence, is incapable of taking his Seat, " or doing his Duty in this Houſe, and there- " fore the ſaid Return is void."

" A Debate thereon aroſe, and the Queſtion " being put it was carried in the Affirmative, " and Reſolved accordingly."

" 4. A Motion was made that the Houſe " would come to the following Reſolution, " *viz.* That it appearing to this Houſe that " *Peter Serjeant*, Eſq; the only Candidate pro- " perly qualified, and capable of doing his " Duty as a Member of this Houſe, who " had any Number of Freeholders to Poll " for him at the Election of a Repreſentative " for the Pariſh of Saint *Elizabeth*, is duly " elected."

" The ſame was Reſolved accordingly."

" The ſaid *Peter Serjeant* attending, and " being called in, Mr. Speaker, by Virtue of " the Dedimus to him directed, adminiſtered " the Oaths appointed by Act of Parliament, " to be taken inſtead of the Oaths of Alle- " giance and Supremacy, as alſo the Oath " required to be taken by the Act to ſecure " the Freedom of Elections, *&c.* to the ſaid " *Peter Sergeant*, Eſq; who took the ſame, " and made and ſubſcribed the Declaration, " and took and ſubſcribed the Oath of Ab-

" juration,

" juration, according to the Laws made for " that Purpoſe."

" *Francis Cooke*, Eſq; a Member of this " Houſe having been charged the laſt Seſſion " by *Zachary Bayley*, Eſq; another Member " of this Houſe, with not being Qualified in " point of Fortune to have a Seat in this Houſe, " in his Place moved that he might be ad- " mitted to prove his Qualification now before " the Houſe."

" A Motion was made that *Zachary Bayley*, " Eſq; or his Brother *Nathaniel Bailey*, Eſq; " Members of this Houſe, might have leave " for one Hour to go from this Houſe for " their Papers to prove the Allegations againſt " the ſaid *Francis Cook*, Eſq; the ſame was " Ordered accordingly."

" The ſaid *Zachary Bayley*, Eſq; was called " upon by the Houſe to prove his Allegations " againſt *Francis Cooke*, Eſq; which he refuſed " to do."

" Ordered, That none of the Members " ſtir out of the Houſe."

" Reſolved, That this Houſe will imme- " diately proceed upon the Inquiry whether " *Francis Cooke*, Eſq; a Member of this Houſe " is Qualified in point of Fortune to have a " Seat in this Houſe."

" The Houſe accordingly went into ſuch " Inquiry, and came to the following Reſo- " lution,"

" Reſolved,

" Reſolved, *Nem. Con.* That *Francis Cooke*, " Eſq; a Member of this Houſe, has proved " his Qualification, in regard to his Fortune, " to the ſatisfaction of this Houſe."

" A Motion was made that the Houſe would " come to the following Reſolution, *viz.* That " *Zachary Bayley*, Eſq; a Member of this Houſe, " having made a moſt violent and indecent " Charge of Perjury againſt *Thomas Cooke*, Eſq; " a Member of this Houſe, in regard to the " Qualification of the ſaid *Francis Cooke*, and " having with a moſt malicious Intent ſearched " the Public-Offices to make good the ſaid " Charge, and failing therein, Mr. *Cooke* hav- " ing made good his Qualification to the Satiſ- " faction of this Houſe; the ſaid *Zachary* " *Bayley* by ſo doing has behaved unbecoming " a Member of this Houſe, and deſerves the " higheſt Cenſure for the ſame."

" A Debate thereon aroſe, and the Queſtion " being put it was carried in the Affirmative, " and Reſolved accordingly."

" A Motion was made that the Houſe would " come to the following Reſolution, *viz.* That " for ſuch his Offence, the ſaid *Zachary Bayley* " be expelled this Houſe, and be rendered in- " capable to hold a Seat therein during this " preſent Aſſembly."

" A Debate thereon aroſe, and the Queſtion " being put it was carried in the Affirmative, " and Reſolved accordingly."

" And the ſaid *Zachary Bayley* was expelled " accordingly."

" A

" A Motion was made that a Committee " be appointed to draw up an Addreſs of " Thanks to his Excellency for his Speech " at the opening of this Seſſion, the ſame was " reſolved accordingly."

" Ordered, That Col. *Spragg*, Mr. *Cooke*, " and Dr. *D'warris* be a Committee to pre- " pare the ſame."

" Reſolved, That his Excellency's Speech " be referr'd to the ſaid Committee."

By theſe Minutes it appears that the Advantages gained by the Governor's Friends againſt the oppoſite Party, aroſe intirely from the Conduct and Behaviour of that Party, and could not be the Effect of Premeditation; becauſe the Events upon which it was founded could not be foreſeen. If it be aſked, whether the Proceeding of either can be juſtified, it ſuffices to ſay, that, by the Practice of the Houſe of Commons, both would be condemned; however, whether the Speaker and his Party acted right or wrong, is a Queſtion which no more affects the Governor than it does the King of *Pruſſia*.

Several of the Members attended the Houſe the next Day with the Speaker, but the whole Party in the Oppoſition being abſent, and ſome of the Friends to the Government being ſick, there was not a ſufficient Number to make a Houſe, nor could a ſufficient Number be aſſembled till *Tueſday* the Eleventh of *November*,

ſo

ſo that there was a total Suſpenſion of all public Buſineſs for nineteen Days.

During this Interval all the ſeceding Members who had been ordered into Cuſtody, were taken upon the Speaker's Warrant, but they refuſed to attend the Houſe, alledging that they did not think it ſafe.

Letters were alſo written, by Order of the Members that aſſembled from time to time, in the Speaker's Name, to Mr. *Arcedeckne*, Mr. *Nathaniel Bailey*, Col. *Lawrence*, and Mr. *Norwood Wytter*, requiring them to attend the Service of the Houſe, but without effect.

But the Members in the Oppoſition, though by their obſtinate Refuſal to come to the Houſe, they entirely ſuſpended all public Buſineſs, at a Criſis when the greateſt Diſpatch was neceſſary, as they well knew, and as they were told by the Governor in his Speech, yet they were not Idle. They prepared a Letter to the Speaker, and a Petition to his Majeſty, complaining of ill Treatment, and aſſigning ſuch Motives for their own Conduct as they thought moſt ſpecious; for as they were conſcious that they had ſacrificed the public Intereſt to their own private Views, they thought it adviſable to anticipate a Complaint againſt them by complaining themſelves of thoſe whom they had reaſon to expect would be their Accuſers: But as the Juſtification of indirect Conduct, is always attempted by indirect Means, ſo this Letter and this Petition were fraudulent and falſe, as well in their Contrivance as their Contents.

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In the firſt Place the Letter was Dated at *Kingſton* the 23d of *October*, that it might appear to have been written on the Evening of the Day on which the Tumult happened; it is, however, certain, that many of the Perſons whoſe Names are ſubſcrib'd to that Letter, went immediately from *Kingſton* to *Spaniſh* Town, and therefore could neither contrive it nor ſign it that Day at *Kingſton*; it is alſo known to be the Work of a *Junto* of five, and to have been under conſideration ſeveral Days before it was preſented, already ſigned by ſome, and ſent to the reſt whoſe Names were required, though they had never ſeen it before.

The Petition alſo was the joint Work of the ſame *Junto*, and ſome of the Perſons whoſe Petition it is ſaid to be, were diſtant 150 Miles when it was drawn up, others were ſick in Bed, and many were ignorant that ſuch a Petition exiſted, till after it was ſent away. But as this Petition contains falſe Facts, which if known could be eaſily contradicted, it became neceſſary to keep it a profound Secret, ſo that it could neither be ſupported by proper Teſtimonials, nor authenticated under the great Seal of the Iſland; becauſe, if Perſons could have been found to ſwear the Facts were true, yet, if it had waited for theſe Requiſites, the Contents muſt in general have been known, and it would then have become unſafe to preſent it.

But the Preparation of this Petition and Letter was not all that employed the Oppoſition,

during

during the long Suſpenſion of Parliament which their Abſence had cauſed; during this Interval the Money Bills, which laſt but from Year to Year, expired; and not having been renewed there was no Law ſubſiſting to compel the Payment of any Tax, and the public Supplies therefore, by which the Soldiers were to be paid, and other Exigencies of State provided for, were totally cut off. It is, indeed, true, that both the People and the Merchants, approving the Meaſures of the Governor and his Friends, and reſenting the Conduct of thoſe who laboured to diſtreſs him, continued to pay their Taxes, and the Duties on the Negro Bill, though the Law by which theſe Taxes and Duties were laid, was expired: But the Faction was ſo provoked at this Act of Confidence by the People to the Governor, by which their iniquitous Project to diſtreſs the State was in great Meaſure diſappointed, that many of them who had quitted the Magiſtracy, and one of them that had quitted the Bench, ſtooped ſo low in the Zeal of their Malice as to ſollicit petty Offices, and put up to be elected Church-Wardens and Veſtry Men, in order to prevent any further Payment of Taxes in their Pariſhes: In this pernicious Deſign they ſo far ſucceeded, that the Legiſlature was reduced to the Neceſſity of paſſing a Bill to borrow Ten Thouſand Pounds Sterling at Eight Pounds *per Cent.* for the Repayment of which, every Money Bill, and the whole Revenue was mortgaged, yet not one Shilling

Shilling could ever be raiſed upon this Act to carry on the Forts and Fortifications and other Contingencies of Government, ſo low was the public Credit brought by the Arts of the Faction, and ſuch was the Conſequence of a late Law for the Reduction of Intereſt to Six *per Cent*, for ſince that time it has been impoſſible either for the Public or for private Perſons to borrow a Penny.

Having thus ſhewed what was the Conduct of both Parties during the 19 Days in which the Speaker could not aſſemble a Quorum, recourſe will again be had to the Minutes of the Houſe to ſhew what happened when a ſufficient Number were aſſembled, which was on the 11th of *November* 1755. In theſe Minutes the Letter already mentioned will be exhibited in its proper Place, and will be laid before the Reader in the ſame Order of Time in which it was laid before the Aſſembly.

Martis 11 *Die Novembris.*

A ſufficient Number of Members being aſſembled to make a Houſe, an Addreſs was preſented to his Excellency for his Speech at the opening of the Seſſions, in the following Terms.

To

To his Excellency *Charles Knowles*, Eſq.

The Humble Addreſs of the Aſſembly.

May it pleaſe your Excellency,

'WE his Majeſty's moſt dutiful and loyal Subjects, the Aſſembly of *Jamaica*, beg leave to return your Excellency our moſt ſincere Thanks for your Speech at the opening of this Seſſions, convinced of the Neceſſity of raiſing with the utmoſt Diſpatch the uſual Funds for the Service of the current Year. We aſſure your Excellency that we ſhall loſe no Time in framing our annual Bills, and that in ſuch a Manner as we hope will be agreeable to his Majeſty's Inſtructions. At a Time when a War with a potent Enemy ſeems unavoidable, we ſhould be greatly deficient in that Duty we owe to the beſt of Kings, and to our Country, were we to delay the raiſing thoſe neceſſary Supplies, and doing every thing in our Power for the Security of this Colony. We ſhall ever acknowledge our Happineſs in having in this critical Conjuncture the Help and Aſſiſtance of your Excellency's Skill and Knowledge in Military as well as Civil Affairs; Talents which your Excellency is ever ready to employ for the Honour of his Majeſty, and the Security and Welfare of his People.'

To which the Governor returned the following Anſwer.

'I Return you my very hearty Thanks for your kind Addreſs, and for the Aſſurance you give me of the raiſing the Supplies for the neceſſary Services of the current Year without loſs of Time.

'Your ſteady Perſeverance in theſe laudable Meaſures at this critical Conjuncture, cannot but be moſt acceptable to his Majeſty, and muſt gain you the Hearts and Affections of all true Friends and Well-wiſhers to their Country.'

Mr. Speaker, with the Members, being returned back to the Houſe, laid before them a Letter he had received from *Charles Price*, *William Lewis*, *Roger Hope Elliſſon*, *James Prevoſt*, *Henry Dawkins*, *Thomas Fearon*, *Charles Price*, jun. *William Needham*, *William Gale*, *George Bonner*, *Arthur Mackenzie*, *Edward Morant*, *Thomas Beach*, *William Wynter*, *Samuel Whitehorne*, and *Andrew Arcedeckne*, Eſqrs. Members of this Houſe, which being read, was ordered to be entered, and was as follows.

'To the Honourable the Speaker of the
'Aſſembly.

Kingſton, the 23d of *October*, 1755.

'The Indignity and ill Uſage which we re-
'ceived this Day at the Houſe of Aſſembly
'oblige us to give you the Trouble of this
'Letter, as we cannot but be ſenſible that the
'Conſequence of this Day's Conduct will (if
'not timely prevented) tend to the Ruin of
'our Country. You, Sir, muſt recollect, that
'the Houſe met this Morning to proceed to
'the Buſineſs of the Day, and a little before
'one o' Clock was commanded to attend his
'Excellency the Governor, who thereupon was
'pleaſed to prorogue the Aſſembly for an
'Hour. You alſo know, Sir, very well, that
'the Houſe met again according to that Proro-
'gation, and again waited upon his Excellency,
'and that you obtained a Copy of his Excel-
'lency's Speech, which you communicated to
'the Houſe in the uſual Form. The Houſe
'then after ſettling the Rules, and a Motion
'being made for an Addreſs to his Excellency
'(which was unanimouſly agreed to) which
'was about three o' Clock in the Afternoon,
'moved to adjourn. What happened afterwards
'gives us much Concern, and we ſhould think
'ourſelves very defective in our Duty to his
'Majeſty, as well as unmindful of the Truſt

'repoſed in us by our Conſtituents, if we did 'not give our free Sentiments upon this Oc-'caſion.

'We are ſincerely deſirous to promote the 'Happineſs of our Country, we ſeek no other 'Cauſe, we claim no other Merit.

'We muſt now, Sir, aſſign our Reaſons 'why we cannot, conſiſtent with the Prin-'ciples of our happy Conſtitution, and the 'Liberties and Privileges of *Engliſhmen*, diſ-'charge our Duty after the Violence offered 'to us; you muſt remember the Tumult and 'Diſorder of the Houſe, and that the Doors 'were ſuddenly locked without any Order, by 'which Means ſeveral of the Members were 'forcibly detained, and many others who went 'out of the Houſe to avoid Confuſion and 'Bloodſhed were excluded.

'You likewiſe, Sir, muſt needs be ſenſible, 'that you left the Chair without Adjourn-'ment, before we left the Houſe.

'The ſubſequent Proceedings ſeem to us 'to be (if poſſible) more irregular, unparlia-'mentary and unconſtitutional.

'The Reſolution of the Houſe againſt the 'Election of Mr. *Elworthy*, appears to us to 'be repugnant to the fundamental Principles 'of our Conſtitution, and a Violation of the 'Rights and Privileges of the People, as the 'Houſe had but a few Days before the Proro-'gation of an Hour, voted him duly elected.

'The Admiſſion of Mr. *Sergeant* in the

'Place of Mr. *Elworthy*, is in our Opinion no 'leſs unparliamentary and unprecedented. — 'The permitting Mr. *Cooke* and Mr. *Mackay* 'to ſit, who by the Reſolution of the Houſe 'but three Days before were ſuſpended from 'their Seats, until they could diſprove the 'Allegations againſt them, without the Ad-'dition of any other Member after the Proro-'gation of an Hour than Mr. *Munro*, appears 'to us equally unprecedented. And the Ex-'pulſion of Mr. *Bailey*, for fairly and honeſt-'ly laying before the Houſe his Reaſons for 'Mr. *Cooke*'s Diſqualification, we cannot re-'concile with the Laws and Syſtem of Go-'vernment,

We are, Sir,

Your humble Servants,

Thomas Beach.	*Ar. Mackenzie.*
William Wynter.	*Edward Morant.*
Samuel Whitehorne.	*Charles Price.*
Andrew Arcedeckne.	*William Lewis.*
Charles Price, jun.	*Roger Hope Elliſſon.*
William Needham.	*J. Prevoſt.*
William Gale.	*H. Dawkins.*
George Bonner.	*T. Fearon.*

'To the Hon. the Speaker of the Aſſembly.'

'*Reſolved*, That this Houſe will to-morrow 'Morning reſolve itſelf into a Committee of 'the whole Houſe, to take into Conſideration 'the Subject Matter of the ſaid Letter.

'*Ordered*, That the Meſſenger bring the ſaid 'ſeveral Members who ſigned the ſaid Letter 'to the Houſe in Cuſtody.'

Of the colluſive Manner in which this Letter was contrived, written and antedated, Notice has been taken before, and ſome Notice ſhould now be taken of the Contents.

Some of the Writers of this Letter, when they were ſummoned by the Speaker to attend the Buſineſs of the Aſſembly, which every poſſible Circumſtance concurred to make urgent and important, and which for want of their Attendance ſtood ſtill, gave for Anſwer, 'That they did not think it *ſafe* for them to 'attend.' But before the ſending of this Letter they had diſcovered the groſs Abſurdity of alledging, that becauſe an Attempt had been made to prevent their running out of the Houſe in order to ſtop all Publick Buſineſs, it was therefore unſafe for them to enter the Houſe again in order that Publick Buſineſs might go on. The Reaſons therefore alledged in the Letter are different, but perhaps they will not be found to be better; they are ſenſible that the Conſequence of that Day's Conduct, if not prevented, will tend to the Ruin of their Country; and if they cannot, conſiſtent with the Principles of the *Britiſh* Conſtitution, and the Liberties and Privileges of *Engliſhmen*, aſſociate with the Authors of ſuch Tumult, Violence, and Diſorder; that is, in other Words,

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an Attempt to preſerve the Power of diſpatching Publick Buſineſs in the Exigency of a critical and dangerous Time, is a Conduct that tends to the Ruin of the State; and an Attempt to put an End to that Power, and ſtop all Publick Buſineſs, is agreeable to the Principles of a happy Conſtitution and the Liberties of *Engliſhmen*. Thoſe, who without waiting for the Queſtion, whether the Houſe would or would not adjourn, violently and forcibly ruſhed out of it, had great Indignity offered them by thoſe who would have prevented them from ſuch a Deſertion of their Truſt, a Deſertion contrary to all Decency and to all Rule; that thoſe who would have prevented this Deſertion, and not thoſe who made it, were anſwerable for all the Violence and Tumult that it occaſioned, and therefore are unworthy to ſit with the Noble Patriots, who having once left ſo degenerate a Society, could not, conſiſtent with their Principles, return. Such is the Reaſon aſſigned by the Seceders for their Conduct, and if it juſtifies them, let it be granted that they are ſincerely deſirous to promote the Happineſs of their Country, that they ſeek no other Cauſe, and Claim no other Merit. The other Facts alledged in this Letter may be reduced to Seven Particulars.

1. That the Houſe moved to adjourn.

2. That the Doors were locked without any Order.

3. That ſome of the Members were forcibly detained, and others *excluded*.

4. That thoſe who were thus excluded, ran out to prevent Bloodſhed.

5. That the Speaker left the Chair without Adjournment, before they left the Houſe.

6. That the Reſolution of the Houſe againſt Mr. *Elworthy*'s Election, and the Admiſſion of Mr. *Sergeant*, are repugnant to the fundamental Principles of the Conſtitution, and a Violation of the Rights and Privileges of the People.

7. That the Admiſſion of *Cooke* and *Mackay* to ſit before they had diſproved the Allegations againſt them, and the Expulſion of Mr. *Bailey*, were equally arbitrary and unconſtitutional.

The Anſwer to theſe Allegations follow in the ſame Order.

1. No regular Motion was made to adjourn, but ſome cried out in a vehement and tumultuous Manner, Adjourn! Adjourn! others ſaid, Come, let us go, they cannot make a Houſe without us.

2. It appears by the Minutes that the Houſe ordered the Doors to be ſhut, a Quorum being preſent.

3. None of the Members were excluded by ſhutting the Door, for an Order was made to let in ſuch Members as deſired to enter, and they

they were by the Governor himſelf invited to return, and encouraged by Promiſe of Protection.

4. As none were excluded, neither could any run out to avoid Bloodſhed, for the Attempt was alone the Cauſe of the Struggle and Diſorder; the Danger of Bloodſhed, if any, was therefore the Effect of the Attempt to run out, and not the Attempt to run out the Effect of a Dread that there would be Bloodſhed: However, of Bloodſhed there was neither Danger, nor Appearance of Danger, if the Account given to the Governor by Mr. *Price* is true; and Nineteen of the Gentlemen that were in the Houſe have ſworn that there were no Swords drawn.

5. The Speaker did not leave the Chair, otherwiſe than by ſtanding up, which it was his Place to do at that Time, as he was going to ~~make a Motion.~~ *put a Queſtion.*

6. The Reſolution of the Houſe againſt *Elworthy*, and the Admiſſion of *Sergeant*, were Acts of the Houſe, a Quorum being preſent, and therefore could not be unconſtitutional or irregular; for ſuppoſing *Elworthy* had been duly elected, yet the ſame Authority that has Power to give Validity to any Act, has alſo Power to make it void, otherwiſe no Statute could ever be repealed.

7. Neither *Cooke* nor *Mackay* were permitted to vote, till the Houſe was ſatisfied they had been unjuſtly ſuſpended; and indeed the Suſpenſion being an illegal Act of arbitrary Power,

Power, was void in itſelf, as has been obſerved before.

The Conſideration of the Matter of the Letter by the Aſſembly, did not however come on the next Morning as had been ordered, becauſe the Meſſenger was not able to bring thoſe who had ſigned it before the Houſe. And by the Minutes of *Monday* the 17th of *November*, it appears that the Houſe ſent the following Meſſage to the Governor.

'May it pleaſe your Excellency.

'We are ordered by the Houſe to wait on 'your Excellency, to deſire you will be pleaſ-'ed to order the Provoſt Marſhal General to 'aid and aſſiſt the Meſſenger of the Houſe in 'executing their Orders againſt ſeveral of their 'Members, who ſtand in Contempt and De-'fiance of the Orders of the Houſe.'

The next Day the Governor returned an Anſwer by the Clerk of the Council as follows.

'I am commanded by his Excellency to ac-'quaint the Houſe, that he has laid their Meſ-'ſage of Yeſterday (requeſting him to order 'the Provoſt Marſhal to aid and aſſiſt the Meſ-'ſenger of their Houſe in executing their Or-'ders againſt ſeveral of their Members, who 'ſtand in Contempt and Defiance of the Or-'ders of their Houſe) before his Majeſty's 'Council, who are of Opinion with him, that 'the Houſe have within themſelves ſufficient

'Power

'Power and Authority to enforce the Execu-
'tion of their own Orders againſt any of their
'Members, who ſhall ſtand in Contempt and
'Defiance of the ſame.'

By this Meſſage and Anſwer it appears that the Governor ſtill continued neuter in the Diſpute between the two Parties in the Aſſembly, having only interpoſed when by the Nature of his Office it became his Duty.

On *Wedneſday* the 19th of *November*, the Houſe took the Subject of the Letter written by the Seceders to the Speaker into Conſideration, and came to the following Reſolution.

Reſolved, It is the Opinion of this Committee, that the ſaid Letter directed to the Honourable the Speaker of the Aſſembly, dated the 23d Day of *October* laſt, and ſigned by *Charles Price*, *William Lewis*, *Roger Hope Elliſſon*, *James Prevoſt*, *Henry Dawkins*, *Thomas Fearon*, *Charles Price*, jun. *William Needham*, *William Gale*, *George Bonner*, *Arthur Mackenzie*, *Edward Morant*, *Thomas Beach*, *William Wynter*, *Samuel Whitehorn*, and *Andrew Arcedeckne*, Eſquires, Members of the Houſe, contains Aſſertions that are untrue, highly injurious, and derogatory to the Honour and Juſtice of the Houſe, and tending to throw the Country into Confuſion.

To which the Houſe agreed *Nemine Contradicente*.

2*d*, *Reſolved*, That it is the Opinion of this Committee, that the ſaid Members have given

no

no juſt Reaſons for abſenting themſelves from the Service of their King and Country.

To which the Houſe agreed *Nemine Contradicente.*

3*d*, *Reſolved*, It is the Opinion of this Committee, that the ſaid Members have ſtood in Contempt and Defiance of the Order of the Houſe, by refuſing to attend the Meſſenger of the Houſe, after they were in Cuſtody in purſuance of the Speaker's Warrant by Order of the Houſe.

To which the Houſe agreed *Nemine Contradicente.*

4*th*, It appearing to this Committee, the ſeveral Members beforementioned, having acknowledged themſelves in Cuſtody of the Meſſenger of the Houſe, did refuſe to attend, alledging that they were apprehenſive of ill Treatment to their Perſons. *Reſolved*, It is the Opinion of this Committee, that ſuch Apprehenſions are without any juſt Reaſon or Foundation, as the Houſe hath provided for and ſupported, and always will provide for and ſupport, the Safety, Honour, and Privileges of its Members.

To which the Houſe agreed *Nemine Contradicente.*

5*th*, *Reſolved*, That it be recommended to the Houſe that the ſaid ſeveral Members, *viz. Charles Price, William Lewis, Roger Hope Elliſſon, James Prevoſt, Henry Dawkins, Thomas Fearon, Charles Price*, jun. *William Needham, William Gale, George Bonner, Arthur Mackenzie, Edward Morant*,

Morant, *Thomas Beach*, *William Wynter*, *Samuel Whitehorne*, and *Andrew Arcedeckne*, Eſqrs. be expelled the Houſe, and that they remain in the Cuſtody of the Meſſenger of the Houſe until they reſpectively pay their Fees.

To which the Houſe agreed *Nemine Contradicente.*

The Houſe having unanimouſly agreed to the ſaid ſeveral Reſolutions of the Committee, it is *Reſolved* by this Houſe, that the ſaid *Charles Price*, *William Lewis*, *Roger Hope Elliſſon*, *James Prevoſt*, *Henry Dawkins*, *Thomas Fearon*, *Charles Price*, jun. *William Needham*, *William Gale*, *George Bonner*, *Arthur Mackenzie*, *Edward Morant*, *Thomas Beach*, *William Wynter*, *Samuel Whitehorne*, and *Andrew Arcedeckne*, Eſquires, be, and they and each and every of them, are hereby reſpectively expelled this Houſe, and that they ſeverally remain in the Cuſtody of the Meſſenger of this Houſe, until they reſpectively pay their Fees.

In purſuance of this Reſolution, a Meſſage was ſent to his Excellency, to deſire he would iſſue new Writs for electing new Members in their Room directly.

And all but one were re-elected by their Conſtituents.

From this Time nothing paſſed in the Houſe that became a Subject of Complaint to either Party, except the Difficulty which the Friends to Government ſtill experienced, in getting together a ſufficient Number of Members to carry

carry on the publick Buſineſs; all that remains therefore, is to examine the Petition, which was drawn up by the Faction in the Manner before related; it was managed with ſuch Secrecy, that nothing was known of it in *Jamaica*, till a Copy was ſent back from *England*, and with ſuch Diſpatch that it paſſed through all the publick Offices, and came to his Majeſty's Hands on the Third Day after it came into the Kingdom, but for want of being properly authenticated, it was not received ſo favourable as the Party expected. That the Reader may more eaſily compare the Anſwers with the ſeveral Articles to which they relate, they are placed in oppoſite Columns. And it may be remarked, that the Falſehoods which it contains are of the moſt artful and ſpecious Kind, conſiſting chiefly in a partial Account of Facts which in themſelves are true, but which related with all their Circumſtances have a very different Import, and lead to oppoſite Concluſions: Thus if I am aſſaulted in the Street by a Fellow who puts a Piſtol to my Breaſt and demands my Money, and I put the Piſtol by, and knock him down, this Fellow may alledge with great Truth, that having met me in the Street and aſked me a Queſtion, I had anſwered him by a violent Blow upon the Head with a Stick, by which he was ſtunned and fell down ſenſeleſs: It is plain that I cannot deny the Facts; and it is as plain, that thus related they amount to a formidable Charge againſt

againſt me; but it is plain alſo, that nothing more is neceſſary for my Juſtification, than to relate the ſame Facts with the Cauſes that produced them, and the Circumſtances in which they happened.

The Petition is dated at *St. Jago de la Vega*, the 14th of *November*, 1755, and is as follows:

A Copy of the humble Petition of *Charles Price*, Eſq. and Nineteen other Members of the Aſſembly of *Jamaica*.

JAMAICA ſſ.

To the King's moſt excellent Majeſty.

The Humble Petition of *Charles Price*, *Andrew Arcedeckne*, *Thomas Fearon*, *William Wynter*, *Samuel Whitehorne*, *William Lewis*, *Henry Dawkins*, *Roger Hope Elliſſon*, *James Prevoſt*, *Edward Morant*, *William Gale*, *Charles Price*, jun. *William Needham*,

Needham, Tho. Beach, Zachary Bayley, Nathaniel Bailey, George Bonner, Arthur Mackenzie, Thomas Hope Ellisson, and *Norwood Witter*, Esqrs. Members of the General Assembly of your Majesty's Island of *Jamaica*,

SHEWETH,

1. THat the general Assembly of your Majesty's Island of *Jamaica* consists of Forty one Members, of whom Twenty-one have been generally esteemed a Quorum for the Dispatch of Business.

Art. I. Granted.

2. That the said General Assembly hath been always called and held at the Town of St. *Jago de la Vega* (where all your Majesty's and your Royal Predecessors former Gover-

The General Assembly has not always been held at St. *Jago de la Vega*, for it has, at the Pleasure of former Governors, been sometimes held at *Kingston*, and sometimes at *Port-*

Governors reſided) until the 8 *Day of October* 1754, when *Charles Knowles*, Eſq; your Majeſty's preſent Governor in the ſaid Iſland, called and held the ſame at the Town of *Kingſton*, where he has reſided ever ſince.

3. That in Purſuance of your Majeſty's Royal Proclamation, a Seſſion of Aſſembly was begun and opened at *Kingſton*, on *Tueſday* the 23d Day of *September* laſt, and that on *Wedneſday* the Day following, the ſame was by Permiſſion of your Majeſty's Governor adjourned for a fortnight, and from thence continued by Adjournment, until *Monday* the 20th day of *October*.

Granted.

4. That on *Monday* the ſaid 20th Day of *October*, the Houſe being met according to

Granted.

Port-Royal, nor can the Governors right to hold it where he thinks proper, be diſputed.

Adjournment, your Majeſty's Governor (in purſuance of a Meſſage to him for that Purpoſe) ſent the Clerk of the Council to the Houſe with three Writs of Election for chuſing a Repreſentative for each of the Pariſhes of St. *Catherine*, St. *Elizabeth*, and *Hanover*, in the room of *Roſe Fuller*, Eſq. (who was gone off this Iſland) and of *Alexander Macfarlane*, and *Thomas Blagrove*, Eſqrs. deceaſed; which with the Returns thereof being read, it appeared, that *Thomas Fearon*, Eſq. was duly choſen for the ſaid Pariſh of St. *Elizabeth*, and that *John Clarke*, Eſq. was duly choſen for the ſaid Pariſh of *Hanover*, and the ſaid *Thomas Fearon* and *John Clarke* then attending were duly ſworn, and took their Seats accordingly.

5. That

5. That the uſual Grand Committees were appointed, and among them, one for Court of Juſtice.

Granted.

6. That *Zachary Bailey*, Eſq. a Member of the Houſe, having ſtated to the Houſe ſeveral Facts, tending to prove that *Francis Cooke*, Eſq. another Member of the Houſe, and one of the Judges of the Supreme Court of Judicature, was not qualified according to Law, to have a Seat in that Houſe; and a Motion being made, and a Debate thereupon had, it was reſolved that the Houſe would on *Saturday* Morning next proceed upon an Enquiry into Mr. *Cooke*'s Qualification, and that Mr. *Cooke* do withdraw himſelf as a Member of the Houſe, until ſuch Enquiry be made.

This Attempt to prove that Mr. *Cooke* was not qualified to ſit in Aſſembly, was irregular and unjuſtifiable, becauſe it was not made within Fifteen Days after the Return of the Writ of Election, as by the Rules of the Parliament of *Great Britain*, to which the Aſſemblies of all his Majeſty's Colonies conform, it ought to have been; it follows therefore that the Reſolution of the Houſe upon Mr. *Bailey*'s Motion was extrajudicial and wrong in its Foundation. Above all, the Suſpenſion of Mr. *Cooke*, without any Evidence that he had no Right to ſit, was, ſuppoſing the Objection had been regular

gular and legal, contrary to natural Equity, the known Principles of the *Britiſh* Conſtitution, and the conſtant Cuſtom of Parliament. For inſtead of ſuppoſing every Man innocent till he is proved to be guilty, this Conduct ſuppoſes every Man guilty till he has proved himſelf innocent.

7. That *Samuel Whitehorne*, Eſq. a Member of the Houſe, having laid before the Houſe a Letter ſinged *Hugh Mackay*, another Member of the Houſe, which was acknowledged by the ſaid *Hugh Mackay* to be his Hand-Writing, the ſame was ordered to be read; and the ſaid *Hugh Mackay*, being called upon in his Place to explain himſelf in relation to the Contents of the ſaid Letter, and he deſiring

This Letter came into the Hands of thoſe who uſed it by an Act of Felony. If it had fairly and regularly come into their Hands, it was not a proper Subject of Parliamentary Enquiry, for it related merely to the Writer's private Affairs, and was written in confidence to his Agent. But if it had regularly come before the Houſe, and been a proper Subject of Enquiry, the Suſpenſion of

ing he might be allowed Time, it was reſolved, that the ſaid *Hugh Mackay* ſhould explain himſelf on *Monday* next following; and it was further unanimouſly reſolved, that the ſaid *Hugh Mackay* ſhould withdraw himſelf as a Member of the Houſe, until he ſhould have explained himſelf in relation to the Contents of the ſaid Letter.

of Mr. *Mackay* was unjuſtifiable, for the Reaſon alledged in the preceding Article.

8. That the Houſe proceeded upon that Day, and on the *Tueſday* and *Wedneſday* following, upon the neceſſary Buſineſs of the Iſland; and prepared and forwarded the ſeveral Annual Money Bills, *viz.* the Additional Duty Bill, the Rum Bill, and the Deficiency Bill, with the utmoſt Diſpatch and Diligence; they being

It is true, that the Diſpatch of the Bills mentioned in this Article was neceſſary for the Reaſons therein given; and therefore the Petitioners are the more inexcuſable for framing them in ſuch a Manner, as that they could not be paſſed by the Governor, without a Breach of his Inſtructions; for the Proviſion for the De-

being ſenſible how neceſſary it was that theſe ſhould be ready for your Majeſty's Governor's Aſſent, in 9 or 10 Day after the former Money Bills, then expiring; and without paſſing thoſe, the Contingencies of your Majeſty's Government here, and the additional Pay of your Officers and Soldiers in your Majeſty's Regiment, under the Command of Colonel *Walſh*, would not be provided for.

tachment of Troops, appointed for the *Muſketo* Shore, was made only for four Months; and the Governor is expreſsly prohibited from paſſing any Bill, making a temporary Proviſion for leſs than a Year. This is a Particular, which it was the Intereſt of the Petitioners to conceal, becauſe it would have impeached them of the very Crime they inſinuated againſt the Governor, that of a Deſign to delay the publick Buſineſs; and yet that the Bills were thus formed, is a Fact too notorious to be denied; it was avowed in the Houſe with the moſt inſolent and indecent Language. It was ſaid, that His Majesty, or his Miniſters, might have *taken warning* by former Reſolutions of the Houſe, and have ordered his Governors to recall theſe Troops, for that they would not provide for them any longer.

9. That

9. That on *Thurſday* the 23d Day of *October*, your Petitioners, except *Thomas Hope Elliſſon* and *Norwood Witter*, Eſqrs; attended the Houſe, in order to expedite the Buſineſs before them; when to their great Surprize, as ſoon as the Speaker took the Chair, (*viz.* between Twelve and One of the Clock) a Meſſenger was ſent from the Governor commanding the immediate Attendance of the Aſſembly, whereupon the Governor was pleaſed to prorogue the Aſſembly for one Hour.

That the Governor prorogued the Aſſembly for one Hour, is true.

10. That your Petitioners being deſirous to diſcharge their Duty to your Majeſty, and to do Juſtice to their Conſtituents, again attended the Houſe with the other Members after the Pro-

Both the Inſinuations and Aſſertions as to the Governor's Motives for proroguing the Aſſembly, and the intended Conſequence of that Prorogation, are falſe. For neither did the Prorogation impede,

Prorogation of an Hour and well hoped that they ſhould have been permitted to proceed without Interruption upon Buſineſs, according to the uſual Cuſtoms and Privileges of the Houſe, and in particular to bring in again the Money-Bills ſo eſſential to the Support of your Majeſty's Government in this Iſland; but to your Petitioners great Grief and Aſtoniſhment, they had ſoon Reaſon to obſerve, that the Intent of the Prorogation of an Hour was to give Mr. *Cooke* and Mr. *Mackay* an Opportunity to take their Seats again, before the one had proved his Qualification, or the other had vindicated his Conduct, and to exclude Mr. *Elworthy*, who but a few Days before had been declared impede, nor was it intended to impede the tranſacting of the publick Buſineſs. The ſuffering Mr. *Cooke* and Mr. *Mackay* to take their Seats, before one had proved his Qualification, and the other had vindicated his Conduct, if it had been a Fact, had no Tendency to prevent the forwarding of the publick Buſineſs, and in particular the bringing in the Bills: But it appears by the Minutes, that Mr. *Cooke* proved his Qualification, and Mr. *Mackay* juſtified his Conduct, *before they took their Seats*. Beſides, as the Order of Suſpenſion from their Seats was illegal, they had a Right to ſit notwithſtanding that Order. The true Reaſon why the Governor prorogued them was, that the

clared duly elected, and to introduce Mr. *Sergeant* in his Place, (who had alſo been a Candidate at the ſaid Pariſh of St. *Elizabeth*). For the two former, *viz.* Mr. *Cooke* and Mr. *Mackay*, immediately took their Seats, and antecedent to all other Buſineſs, a Motion was made, that the following Rule ſhould be added to the Rules of the Houſe, *viz.* That no Perſon who may be elected during his Abſence from the Iſland, ſhould be entitled to ſit as a Member of the Houſe, unleſs he be in the Iſland to take his Seat at the Opening of the Seſſions next following his Election; which being contrary to the Uſage and Cuſtom of Parliaments in our Mother Country, and the publick Buſineſs might *not be impeded*, and that ſuch Money-Bills might be formed as he could ſafely paſs. As to the Order concerning excluding Mr. *Elworthy*, who could not fulfil his Truſt, and admitting Mr. *Sergeant* who could, it was not only an equitable but a neceſſary Order; for if one abſent Perſon may be elected, twenty abſent Perſons may be elected, and the Aſſembly, which at moſt can conſiſt but of forty-one Perſons, each the Repreſentative and Truſtee of a particular Place, might conſiſt only of twenty-one Perſons, and twenty Places have no Repreſentative or Truſtee at all; beſides, the Rule upon which Mr. *Elworthy* was excluded is ſo far from being contrary to the Cuſtom

of

of the Assembly in this Island, could be calculated for no other end but to exclude Mr. *Elworthy*.

of the Assembly, that the constant Custom of the Assembly authorizes and indeed implies it; for when a Member is about to quit the Island, Leave is always given him by the House to vacate his Seat. If their going to *Great Britain* therefore is a Reason for vacating their Seat, their being in *Great Britain* is surely a Reason why some other Person should be elected to fill it. The Reason is the same in both Cases, *viz.* that he who is absent from his Country, can do no Service that requires his personal Appearance in it, and that as this Service is necessary, he ought not to exclude those by whom it can be performed.

11. Your Petitioners with great Concern obſerving this unprecedented Proceeding, propoſed to adjourn till the next Morning, it being then late in the Day, *viz.* paſt Three o' Clock, that Gentlemen might have Time to reflect how injurious a Proceeding of this Kind would be to the Honour and Dignity of your Majeſty's Government, and derogatory to the Rights and Privileges of your loyal Subjects in this Iſland, which they have always enjoyed, and been protected in by your moſt gracious Majeſty and your Royal Predeceſſors, by intruding on them a Repreſentative whom they did not elect, and by keeping in others who might be under legal Diſqualifications,

In this Article thoſe Proceedings are aſſigned as a Reaſon for the Adjournment, which did not happen till after the Propoſal to adjourn was made. For no other Tranſaction took place before the Cry for an Adjournment, than voting an Addreſs to the Governor, and ſettling the Rules of the Houſe. This appears not only from the Minutes, but from the very Letter which the Petitioners wrote to the Speaker, in which they ſay, *What happened afterwards* (*i. e.* after the Cry to adjourn) *gives us much Concern*, which is an expreſs Acknowledgment that the Enormities of which they here complain, as the Cauſe of their Deſire to adjourn, were not committed till afterwards. The Petitioners

fications, and which your Petitioners, when they obſerved that the Speaker and ſeven other Members of the Houſe were Judges of the Supreme Court, could not but conceive was done with no other Intent but to obtain an undue Majority in the Houſe, to prevent an Enquiry into the Abuſes in the ſeveral Courts of Juſtice, as the greateſt Part of your Majeſty's Subjects in this Iſland expreſt much Uneaſineſs concerning the Adminiſtration of Juſtice; as they apprehended that many illegal Practices had lately been introduced into the ſeveral Courts, and among that a Law, entitled, An Act to enlarge the Juriſdiction of the ſeveral inferior Courts of Common Pleas, paſſed the 7th Day

ers indeed ſeem to be ſenſible of this, and therefore another Reaſon is added, 'they 'propoſed to adjourn, 'becauſe it was late in 'the Day;' but their auxiliary Reaſons happen all to be very unfortunate. They aſſembled about one, and it was now three; ſo thoſe Gentlemen who were ſo zealous to diſpatch the publick Buſineſs, and ſo ſenſible of its Importance, thought it adviſeable, after having attended two Hours, to oppoſe farther Proceedings till the next Day. Thoſe indeed whom they charge with an Intention to delay and hinder the publick Buſineſs, were according to this very Account averſe to adjourn, and having prevented the Deſertion of thoſe that attempted to run out with-

Day of *May* 1755, and which was not to commence or take Place till the 27th Day of *May* next, hath been already enforced and put in Execution; and that at the laſt Supreme Court of Judicature, the Writ of *Venire facias* for ſummoning Jurors was ſigned contrary to Law, whereby the Lives and Properties of your Majeſty's Subjects have been rendered precarious; and that Gentlemen of the greateſt Loyalty and Affection to your Majeſty's Perſon and Government, and of the greateſt Ability and Fortune in the Country, had been removed from the Magiſtracy, and Men of mean Extraction, and of no Abilities, had been put in their Room.

without an Order to adjourn, they actually ſate till Eight o'Clock at Night.

That the greateſt Part of his Majeſty's Subjects, expreſſed much Uneaſineſs concerning the Adminiſtration of Juſtice, and that Gentlemen of Loyalty, Ability, and Fortune, had been removed from the Magiſtracy, and Men of mean Extraction and no Abilities ſubſtituted in their room, are Aſſertions notoriouſly oppoſite to Truth, and will be contradicted by the whole Iſland.

As to the Execution of a Law not yet in Force, of which the Petitioners complain as one of the illegal Practices that had been introduced in the Court of Common-Pleas, the Fact is wholly without Foundation, and the Aſſertion radically falſe.

The

The Bill had its riſe in the Houſe of Aſſembly on the 10th of *April* 1755, and was intended by the Compilers to take place *in the then next May*, the Month following; but this Bill not having received the Governor's Aſſent till the Month of *May* had commenced, was ſuppoſed by theſe wiſe Perſons to take its Date from that Act, whereas every Bill takes its Date from the Beginning of the Seſſions unleſs otherwiſe ſpecified in the Body of the Bill. That it was intended to commence on the *May* of the ſame Year, in which it was drawn, appears plainly by the Words themſelves, *May next*; for if it had been intended not to commence till the *May* of the Year following, the Words would not have been *May next*; but, *May, which ſhall be in the Year of our Lord* 1756. Neither is it true, that this Bill, or any Practice occaſioned by this Bill, could affect the Lives of his Majeſty's Subjects; for the Bill is allowed to be a Bill for the more ſpeedy Recovery of ſmall Debts; and what Connection there is between being compelled to pay a Debt, and being put in Danger of Life, thoſe only can tell whoſe Blood is their Money, and who would as ſoon ſpill the one as part with the other; and the ſigning the Writ of *Venire facias*, being a judiciary Act in Conſequence of this Law, the Law being enforced at the time when it was intended, and indeed ſpecified to commence, there was nothing irregular, much

leſs

leſs illegal in ſigning the Writ. Indeed it is abſurd in the higheſt Degree, to ſuppoſe, that in the general Opinion of the People their Lives and Properties were in Danger by the Perverſion of Juſtice, and yet that his Majeſty ſhould never hear of it but by the Petition of a Faction, combined and determined to oppoſe and diſtreſs a Government eſtabliſhed by his Authority, and adminiſtred in his Name.

12. That upon ſuch Motion to adjourn being made, a great Tumult and Uproar enſued, and in that the Speaker left the Chair without any Adjournment; and *Zachary Bailey*, Eſq; one of the Repreſentatives of the Pariſh of *St. Mary*; *Nathaniel Bailey*, Eſq; one of the Repreſentatives of the Pariſh of *Kingſton*; *Andr. Arcedeckne*, Eſq; one of the Repreſentatives of the Pariſh of *St. Catherine*, were inſtantly ſurrounded and violently aſſaulted by ſome other Members of the Houſe;

No Motion to adjourn was properly made, nor was the Queſtion put. It is indeed true, that an apparent Deſign of a whole Party to leave the Houſe, and prevent the Diſpatch of all Publick Buſineſs, occaſioned ſome Confuſion, but of this Confuſion thoſe who attempted to go out were the Authors; as he that attempts to do me an Injury, againſt which I defend myſelf, is certainly the Author of all the Diſorder that a Struggle may produce. But tho'

it

Houſe; and ſome of the Members calling out, *Lock the Doors*, and the Tumult greatly increaſing by drawing Swords, and lifting up Sticks, and many of the Inhabitants of the Town of *Kingſton* intermixing with the Members, and attempting to ſhut the Doors, and obſtruct them, your Petitioners (except the ſaid *Zachary Bailey*, *Nathaniel Bailey*, and *Andrew Arcedeckne*, who were forcibly detained) left the Houſe, in order to prevent Bloodſhed and further Confuſion.

it is true that the Petitioners *left the Houſe without Adjournment*, it is not true that the Speaker left the Chair, otherwiſe than by ſtanding up to ~~make a Motion~~ *put a Queſtion*. As two very extraordinary Reaſons have been aſſigned in the preceding Article for the Petitioners Deſire to adjourn, ſo a Reaſon equally extraordinary is here aſſigned for their quitting the Houſe without an Adjournment; we are told, they were obſtructed—Obſtructed! in what? Were they obſtructed in any Attempts to diſcharge the Duties of the Day in their Parliamentary Capacity? No; they were obſtructed in an Attempt to run out.—But could they be obſtructed in this Attempt, before the Attempt was made? Was the ſame thing the Cauſe of their Attempt, and the Effect of it? If one of theſe Gentlemen was to be examined, his Anſwers would be ſomewhat like thoſe that *Bayes* has put into the

Mouth

Mouth of the ſuppoſed Murderer of Prince *Prettyman*. *Why did you run out of the Houſe, Sir? Becauſe I was obſtructed. What was you obſtructed in, Sir? In running out of the Houſe. Then you was obſtructed in running out, before you tried to run out? No, afterwards. What, then you was obſtructed after you tried to run out? No, before.* Well may ſuch an Examination be concluded with *Bayes*'s Remark, *See how his Guilt confounds him!* It has already been obſerved, that Nineteen Affidavits have been made that no Swords were drawn. It is therefore highly reaſonable to conclude, that this Allegation is falſe, and that the Dread of Bloodſhed was as chimerical, as an Attempt to avoid farther Confuſion was abſurd. For Bloodſhed is generally followed by Death, and Death has generally been thought to bring all the Confuſion in this World to an End.

13. That as ſoon as your Petitioners were out of the Houſe the Doors were immediately locked, and ſeveral of the Inhabitants of *Kingſton* remained in the Houſe to guard the Houſe, and as your Petitioners apprehend, to awe and intimidate your Petitioners, and prevent them from returning

Altho' it is true that the Doors were locked, yet the Inſinuation that the Seceders were forcibly excluded, is falſe. There was an Order made to admit any Member that was out, at the ſame time that the Order was made to detain thoſe Members that were in. As to the formi-

turning to their Seats: Whereupon ſeveral of your Petitioners immediately waited upon your Majeſty's Governor *Charles Knowles* Eſq; and acquainted him with the Violence offered to your Petitioners, and of the Tumult and Uproar in the Aſſembly, who was pleaſed to tell your Petitioners, that he would put a Stop to it immediately.

14. That it appears to your Petitioners, as well by the Information of the ſaid *Zachary Bailey*, *Nathaniel Bailey* and *Andrew Arcedeckne* (who were forcibly detained in the Houſe) that the Members remaining in the Houſe, who, excluſive of the ſaid *Zachary Bailey*, *Nathaniel Bailey*, and *Andrew Arcedeckne*, were

dable Guard of *Kingſton* Men that ſo intimidated the Petitioners, there were but Four Perſons in the Houſe beſides the Members, and of theſe a Motion from any of the Members preſent would have cleared the Houſe in a Moment. The reſt of this Article is true, but it would have been no more than Juſtice to add, that his Excellency immediately fulfilled his Promiſe.

By theſe Articles it is inſinuated, that the Proceedings of the Houſe after the Petitioners had left it, were unconſtitutional, becauſe there were but Nineteen Members, beſides thoſe who were detained after they had an Inclination to be gone. But if the whole Number of Seceders had been preſent,

were only Nineteen in Number, ordered ſuch of your Petitioners who left the Houſe into Cuſtody; and proceeded in a very unprecedented and unconſtitutional Manner, as your Petitioners apprehend, to declare the Return of the Writ for electing *William Elworthy*, Eſq. one of the Repreſentatives of the Pariſh of *St. Elizabeth*, to be void; and to declare *Peter Sergeant*, Eſq. (who then produced a Petition to the Houſe) to be duly elected as a Repreſentative of the Pariſh of *St. Elizabeth*, although the ſaid *William Elworthy* was, and had been declared duly elected; and although the ſaid *Peter Sergeant* had not been returned by the Freeholders of the Pariſh, or the Merits of the ſaid Petition ever ſent, there would have been a Majority in the Intereſt of the Governor; therefore the Inſinuation, that they were kept out to prevent their making a Majority againſt the Government, at the ſame time that their Friends were kept in to make a Quorum, is falſe. It appears alſo, that theſe very Perſons acknowledged the Legality of theſe Proceedings by their Actions, which by their Words they denied. For if theſe Proceedings had not the Sanction of the Houſe, why did the Petitioners ſubmit to pay the Fees that were impoſed upon them? And why did they not come to the Houſe, and inſiſt upon their Right to ſit, notwithſtanding a pretended Expulſion, rather than be at the

ever heard, or examined into by the Houſe.

Expence of procuring themſelves to be re-elected? Surely a tame Acquieſcence in the Tyranny of an unconſtitutional Junto, arrogating the Power of a national Aſſembly, did but ill ſuit with the Patriot Declaration, 'We are ſincere-'ly deſirous to pro-'mote the Happineſs 'of our Country. We 'ſeek no other Cauſe, 'we claim no other 'Merit.'

15. That the Houſe then proceeded in the ſame unprecedented Manner to expel *Zachary Bailey* from his Seat in the Houſe, under a Pretence that he had in the former Seſſion falſly accuſed *Francis Cooke*, Eſq. without giving him the ſaid *Zachary Bailey* ſufficient Opportunity to be heard.

Such Parts of the 15th Article as are not anſwered in the Anſwer to the 10th, are contradicted by the Minutes of the Houſe.

16. That

16. This

16. That the greatest Part of your Petitioners were taken into Custody the Day following, and the rest of them, except *Thomas Hope Ellisson*, and *Norwood Witter*, Esqrs. in Two or Three Days, and have continued in Custody ever since.

16. This Article is proved to be false by the same Minutes, and by the Application of the House to the Governor, for the Assistance of the Provost Marshal to take the Petitioners into Custody; they having withstood their Messenger, and held the Orders of the House in Contempt, absolutely refusing to submit to the Speaker's Warrant, or return to the House, 'till they went to be sworn in after they had been re-elected.

17. That notwithstanding your Majesty's Governor promised your Petitioners to put a Stop to the Tumult in the Assembly, he permitted the Members remaining in the House, to continue lock'd up for several Hours, together with many

17. It appears by incontestable Evidence, that the Governor, as soon as ever Complaint had been made to him of the Disorder of the House, went to the Chief Justice, and gave the necessary Orders to restore and preserve the Peace, which was accord-

many of the Townmen and Inhabitants of *Kingſton*, until they had ordered ſuch of your Petitioners, who had left the Houſe, to to be taken into Cuſtody, and had declared the Election of Mr. *Elworthy* void, and ſworn in Mr. *Sergeant* in his Place, and expell'd *Zachary Bailey* in the Manner herein before ſet forth, by which Means an illegal Majority was obtained. And as your Petitioners after the Violence offered to them, could not attend with Safety to their Perſons, the greateſt Part of your Majeſty's loyal Subjects were deprived of the Benefit of the Attendance of your Petitioners, and your Petitioners are rendered incapable of diſcharging their Truſt, and your Majeſty's Subjects in this Iſland are involved in the utmoſt Confuſion.

accordingly done with the utmoſt poſſible expedition; and as ſoon as Word was brought him that all was quiet, he ſent word to the Abſentees, that they might return to the Houſe with Safety, for that all was quiet, and if any future Diſturbance ſhould happen, he would afford them effectual Protection; and for this Meſſage they return'd him their Thanks.

Your Petitioners therefore moſt humbly beſeech your Majeſty, that you would be graciouſly pleaſed to take the Premiſſes into your Royal Conſideration, and to grant to your Petitioners

titioners ſuch Relief, as to your Majeſty in your great Wiſdom ſhall ſeem meet.

And your Petitioners ſhall ever pray.

Dated at *St. Jago de la Vega* the 14th Day of *November*, 1755.

Such is the Hiſtory of the Second Seſſions of the Aſſembly of *Jamaica*, convened at *Kingſton* on the 23d of *September*, 1755, and ſuch is the Petition of a Faction formed to diſtreſs the Government, and overturn all Order in the State, becauſe the Perſon to whoſe Adminiſtration his Majeſty thought fit to truſt the Affairs of that Iſland, would not ſuffer the Reins that had been put into his Hands by his Royal Maſter to be wreſted from him by a Party, which, by a Deſpotiſm long uſurped and tamely ſubmitted to, has reduced the Subſtitute of their Sovereign to a mere Inſtrument of their own Power, and made uſe of his Name as a Sanction to their Oppreſſion.

Such indeed has been the Inſolence of their Oppoſition to this Governor, that one of their Number was deputed to go in the Name of the reſt to the Speaker, and make Overtures to him to concur in their Meaſures, threatening on his Refuſal that they would all combine againſt him, and do him all the Injury their joint Power could effect. But the Speaker nobly returned for Anſwer, that he would never abandon or betray his Friends, whatever might be the Conſequence to himſelf. The

ſame

same Persons had actually signed a formal Association to ~~prosecute~~ prosecute one *Hibbert* a Merchant, who had dared to offend them, by prosecuting one of their Number at Law, for the Recovery of his Right. Such are the Men who seek no other Cause than the Good of their Country, and who claim no other Merit.

The present Head of this turbulent and desperate Band, from whose Influence it is of the utmost Consequence to deliver the rising Generation, is a Man whose Character is justly drawn in the following Address, which was printed in *London* about Five Years ago; it was signed by many Gentlemen who have very considerable Interests in the Country to which it relates, *but it never was delivered the Sollicitation not succeeding.*

To his Grace the Duke of [illegible] one of his Majesty's Principal Secretaries of State.

The Representation of the underwritten Planters, Merchants, and others, concerned and interested in the well Government of his Majesty's Island of *Jamaica*.

Most Humbly Sheweth,

'THAT we are greatly alarmed at a Piece 'of Intelligence we have lately received, 'viz. that *Edward Trelawny*, Esq. his Ma'jesty's Governor of that Island, intending soon 'to return to *Great Britain*, has set on foot a 'Sollicitation, or has obtained the Effect of it,

'for

'for a Grant of the Office of Lieutenant Go-
'vernor of that Iſland, in caſe of his Abſence
'or Death, to *Charles Price*, Eſq.

'Whatever Diſatisfaction we may have re-
'ceived from the Government of the ſaid *Ed-*
'*ward Trelawny*, we at preſent chuſe to ſup-
'preſs, in Hope of ſeeing him here to anſwer
'for himſelf; at which Time it will be more
'laudable to offer our Objections.

'But we cannot in Juſtice to ourſelves, to
'our Fellow Subjects and Countrymen, re-
'ſiding in that Iſland, or in Duty to his Ma-
'jeſty, forbear ſtating our Objections to the
'Nomination of ſuch a Succeſſor.

'The Gentleman thus ſollicited for or ap-
'pointed, is the principal Perſon to whoſe Ad-
'vice we attribute almoſt every weak, irregu-
'lar, and arbitrary Action of the ſaid *Edward*
'*Trelawny*, during his Government.

'He is a Perſon of no Abilities or Experi-
'ence, having neither been educated in the
'Law, Army, or Merchandize and having had
'no Opportunities to make himſelf acquainted
'with any of the Qualifications neceſſary for
'the governing a free People.

'He muſt, as he never had the Honour of 'being of his Majeſty's Council of that Iſland, 'be ignorant of even the Forms which are uſed 'in carrying on the Buſineſs of that Govern-'ment; which Ignorance, added to his arbi-'trary Diſpoſition, muſt lead him and his 'Managers into numberleſs Blunders, in re-'gard to the internal Oeconomy thereof. Add 'to this, the Indignity done to his Majeſty's 'Council there, to one of whom ſuch Power 'would devolve of courſe, and who therefore 'might in general be irritated to throw up his 'Majeſty's Service, on ſeeing a Precedent, the 'firſt that was ever made, of the Government's 'falling to the Share of a Perſon reſident in 'that Iſland, who was not one of that Honour 'able Board.

'We tremble at the Proſpect of ſeeing a 'Gentleman preſiding in a Court of Chancery, 'in whoſe Conduct we have hitherto ſeen but 'little Regard to Equity or Law; and a Per-'ſon lying under the Burthen of ſuch Debts, 'as muſt render him a very precarious Arbiter 'of Property; he being now, or very lately, to 'the Knowledge of ſeveral of us, chargeable 'in Law or Equity, with Debts and Demands 'of his own contracting, or engaging for, to 'the Amount of Forty Thouſand Pounds, or 'upwards.

'We

'We ſay nothing of the general Safety of 'the Iſland from Foreign Foes, while in 'ſuch inexpert Hands, eſpecially at a time 'when the Iſland is divided and diſtracted 'with private Animoſities, and Party Diſtinc-'tions, chiefly occaſioned by him; becauſe 'we preſume your Grace has that always in 'your Thoughts, and know much better from 'whence its Dangers may ariſe, and how they 'may be warded againſt, than we can ſug-'geſt.

'But, my Lord, we have two Reaſons for 'thus laying our Thoughts on this Occaſion 'before your Grace; the one is that natural 'Care which we owe to ourſelves and Fami-'lies, of our Fortunes and Properties in that 'Iſland, for which we have great Apprehen-'ſions, under the uncontroulable Direction of 'ſuch a Perſon. The other is, that we think 'it our Duty to apprize your Grace of the De-'ceit put, or intended to be put upon his Ma-'jeſty, by the Sollicitation for that Gentle-'man; not doubting but your Grace, in ſup-'port of your Character of a faithful Coun-'ſellor, which you have always preſerved, 'will lay the ſame before his Majeſty, in or-'der to prevent the Diſgrace that may fall up-'on his Majeſty's Adminiſtration, by placing 'ſo high a Truſt in ſuch unworthy Hands.

'We

'We cannot avoid acting upon these two 'Reasons, without submitting to the Re-'proach, which we would most of all others 'avoid, of being either bad Men, or bad Sub-'jects.

'We have the Honour to be, with the 'highest Respect,

My LORD,

Your GRACE's

Most obedient and

Most humble Servants.

2 JY 61